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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,668	06/05/2000	Tao Chen	PA000245	8446
23696	7590	12/19/2005	EXAMINER	
QUALCOMM, INC 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			SMITH, SHEILA B	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/587,668

Applicant(s)

CHEN, TAO

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 29-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanai (U.S. Patent Number 5,898,682).

Regarding claim 29, Kanai discloses all the claimed invention as set fourth in the instant application, further Kanai discloses a radio channel control apparatus used in a CDMA cellular system and capable of changing cell size. Additionally, Kanai discloses detecting and unbalanced quality of a power control signal received at a plurality of base station transceivers from a wireless device (which reads on column 2 lines 24-25); increasing a target signal-to-noise ratio (SNR) for the plurality of base station transceivers (which reads on column 9 lines 20-26); increasing a pilot channel transmit power level of the wireless device and, decreasing a power

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gain of other channels in relation to the pilot channel of the wireless device providing that the quality of the received power control signal is below a predefined target signal quality (which reads on column 2 lines 9-18).

Regarding claim 30. Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is equal to an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

Regarding claim 31. Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

Regarding claim 32. Kanai discloses 32. the wireless device is in soft handoff (which reads on column 1 lines 53-55).

Regarding claim 33. Kanai discloses means for detecting an unbalanced quality of a power control of a power control signal received at a plurality of base station transceivers from a wireless device (which reads on column 2 lines 24-25), means increasing a target signal-to-noise ratio (SNR) for the plurality of base station transceivers (which reads on column 9 lines 20-26); means for increasing a pilot channel transmit power level of the wireless device and, means for decreasing a power gain of other channels in relation to the pilot channel of the wireless device providing that the quality of the received power control signal is below a predefined target signal quality (which reads on column 2 lines 9-18).

Regarding claim 34. Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is equal to an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

Regarding claim 35. Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

Regarding claim 36. Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

Regarding claim 37. Kanai discloses the wireless device is in soft handoff (which reads on column 1 lines 53-55).

Regarding claim 38. Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

Regarding claim 39. Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

Regarding claim 40. Kanai discloses the wireless device is in soft handoff (which reads on column 1 lines 53-55).

Response to Arguments

2. Applicant's arguments with respect to claims 29-40 have been considered but are moot in view of the new ground(s) of rejection.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith 
December 9, 2005


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER